

# **EXHIBIT E**

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF TEXAS

3 MARSHALL DIVISION

4 ENTROPIC COMMUNICATIONS,

5 LLC,

6 Plaintiff,

Case No.

7 vs.

2:22-cv-00125-JRG

8 CHARTER COMMUNICATIONS,

9 INC.,

10 Defendant.

11 ~~~~~

12  
13  
14 REMOTE VIDEO DEPOSITION OF

15 RICHARD A. KRAMER

16  
17  
18 August 24, 2023

19 10:08 a.m. Central

20  
21  
22  
23 Stenographically Reported By:

24 Deanna Amore - CRR, RPR, CSR - 084-003999

Page 2		Page 4	
1	APPEARANCES OF COUNSEL (All Participants Appeared Remotely.)	1	EXHIBITS
2		2	NUMBER DESCRIPTION PAGE
3	On Behalf of the Plaintiff, ENTROPIC COMMUNICATIONS, LLC:	3	Exhibit 9 Li - U.S. Patent 9
4	K&L GATES LLP	4	Application 2007/0098089;
5	CONNOR MEGGS	5	CHARTER_ENTROPIC00035923-
6	70 West Madison Street	6	939
7	Suite 3300	7	Exhibit 10 Dauphinee U.S. Patent 9
8	Chicago, Illinois 60602	8	7.522.901;
9	connor.meggs@klgates.com	9	CHARTER_ENTROPIC00380676-
10	On Behalf of the Defendant, CHARTER COMMUNICATIONS, INC.:	10	681
11	ARNOLD & PORTER	11	Exhibit 11 8.11.2023 Expert Rebuttal 9
12	MARC COHN	12	Report of Richard A.
13	601 Massachusetts Avenue NW	13	Kramer
14	Washington, D.C. 20001	14	Exhibit 12 Errata to Expert Report 10
15	marc.cohn@arnoldporter.com	15	of Dr. Richard A. Kramer
16	ALSO PRESENT:	16	Exhibit 13 Asserted Patents Claim 11
17	Tim Tupiak, Legal Videographer	17	Language
18	Matthew Laurence, Concierge-Technician	18	Exhibit 14 7.12.2023 Deposition 83
19		19	Transcript of Curtis
20		20	Ling, Ph.D.
21		21	Exhibit 15 October 1989 Networking 103
22		22	Working Group Internet
23		23	Engineering Task Force;
24		24	ENTROPIC_CHARTER0018562-
25		25	677

Page 3		Page 5	
1	INDEX	1	THE VIDEOGRAPHER: Good morning. We are going
2	WITNESS EXAMINATION	2	on the record. The time is 10:08 a.m. Central Time
3	RICHARD A. KRAMER	3	on August 24, 2023.
4	EXAMINATION BY MR. COHN 6	4	Quality of recording depends on quality of
5	EXAMINATION BY MR. MEGGS 133	5	camera and Internet connection of participants.
6	EXHIBITS	6	What is heard from the witness and seen on the
7	Exhibit 1 U.S. Patent 8,223,775 8	7	screen is what will be recorded.
8	Exhibit 2 U.S. Patent 9,210,362 8	8	Audio and video recording will continue to
9	Exhibit 3 Richard Kramer Curriculum 8	9	take place unless both parties agree to go off the
10	Vitae	10	record. 10:08:18
11	Exhibit 4 Materials Considered to 8	11	This is Media Unit No. 1 in the
12	Expert Report of Dr.	12	video-recorded deposition of Dr. Richard Kramer,
13	Richard Kramer	13	taken in the matter of Entropic Communications, LLC
14	Exhibit 5 Dong - U.S. Patent 8	14	versus Charter Communications, Incorporated, filed
15	Application 2004/0160945;	15	in the United States District Court for the
16	CHARTER_ENTROPIC00381592-	16	Eastern District of Texas Marshall Division,
17	1607	17	Case No. 2:22-cv-00125-JRG.
18	Exhibit 6 Brooks - U.S. Patent 9	18	My name is Tim Tupiak. I'm the
19	Application 2001/0039600;	19	videographer. The court reporter is Deanna Amore.
20	CHARTER_ENTROPIC00217633-	20	We are both with the firm Veritext Legal Solutions. 10:08:53
21	-646	21	I am not related to any party in this
22	Exhibit 7 Zhang - U.S. Patent 9	22	action, nor am I financially interested in the
23	6,704,372	23	outcome.
24	Exhibit 8 Favrat U.S. Patent 9	24	If counsel will now state their
25	7,265,792	25	appearances and affiliations for the record,

2 (Pages 2 - 5)


<p style="text-align: right;">Page 86</p> <p>1 in that Q &amp; A that I just read; right?</p> <p>2 A. To the extent that Dr. Ling wasn't asked</p> <p>3 to consider the Court's claim construction and</p> <p>4 consider the claims, he was just simply giving his</p> <p>5 opinion related to figures.</p> <p>6 Q. You don't disagree with what he said --</p> <p>7 right? -- based on your analysis that the tuners 1</p> <p>8 and 2 in Figure 6 perform similar functions to the</p> <p>9 radio front end of the previous figures?</p> <p>10 A. I mean, it speaks for itself what it says. 14:15:07</p> <p>11 I really don't have an opinion.</p> <p>12 Q. You don't disagree with that answer of</p> <p>13 Dr. Ling; right?</p> <p>14 MR. MEGGS: Objection. Form.</p> <p>15 THE WITNESS: I didn't say that.</p> <p>16 BY MR. COHN:</p> <p>17 Q. Do you disagree with Dr. Ling when he said</p> <p>18 that --</p> <p>19 (Simultaneous speaking.)</p> <p>20 THE WITNESS: I don't have an opinion. I mean, 14:15:45</p> <p>21 it speaks for itself. He's entitled to have his</p> <p>22 own opinion and describe what he feels is his</p> <p>23 opinion.</p> <p>24 BY MR. COHN:</p> <p>25 Q. In the course of your analysis, did you</p>	<p style="text-align: right;">Page 88</p> <p>1 Dr. Goldberg's analysis of the invalidity of</p> <p>2 claim 11 in view of Zhang; right?</p> <p>3 A. It appears so, yes.</p> <p>4 Q. And in your response you see the</p> <p>5 subheading (a) refers to claim element 11a3. And</p> <p>6 then you quote the element?</p> <p>7 A. Yes.</p> <p>8 Q. And that element corresponds to</p> <p>9 element 11d in Kramer Exhibit 13 that you brought</p> <p>10 this morning; is that right? 14:19:00</p> <p>11 A. I think that's correct, yes.</p> <p>12 Q. And after this section on element 11d,</p> <p>13 your report then turns to the validity of claim 12;</p> <p>14 correct?</p> <p>15 A. So after this section, paragraphs 120</p> <p>16 including Subsections 121 through paragraphs 120 --</p> <p>17 forgive me -- paragraph 121 through paragraph 128,</p> <p>18 then starting with paragraph 129 is a12.</p> <p>19 Q. And in your -- in paragraphs 120 to 128 of</p> <p>20 your report, the only claim element that you 14:20:05</p> <p>21 discuss is what's labeled as element 11d on the</p> <p>22 chart you brought with you this morning; is that</p> <p>23 right?</p> <p>24 A. So the heading over paragraph 121 appears</p> <p>25 to correspond to what I have marked on my note</p>
<p style="text-align: right;">Page 87</p> <p>1 come to an opinion that the tuners 1 and 2 of</p> <p>2 Figure 6 perform different functions than the radio</p> <p>3 front end of the previous figures?</p> <p>4 MR. MEGGS: Objection. Form.</p> <p>5 BY MR. COHN:</p> <p>6 Q. Do you recall whether you gave that</p> <p>7 opinion or not?</p> <p>8 A. In my analysis I was rebutting</p> <p>9 Dr. Goldberg and Dr. Almeroth's reports.</p> <p>10 I disagree with their opinions. I was focused on 14:16:34</p> <p>11 the claims, the evidence they provided. I didn't</p> <p>12 go through people's transcripts line by line</p> <p>13 forming opinions. I don't have one.</p> <p>14 Q. Now, if we could turn in your expert</p> <p>15 report to page 41, please.</p> <p>16 A. Okay. I'm there.</p> <p>17 Q. Now, heading D(1) on page 41 of your</p> <p>18 report, you say that "Claim 11 Is Valid in View of</p> <p>19 Zhang Either Alone Or in Combination With Favrat."</p> <p>20 Do you see that? 14:17:51</p> <p>21 A. What paragraph again, please?</p> <p>22 Q. It's the heading just before</p> <p>23 paragraph 120.</p> <p>24 A. Okay.</p> <p>25 Q. And in this section you're responding to</p>	<p style="text-align: right;">Page 89</p> <p>1 sheet here as 11d, correct.</p> <p>2 Q. And you don't discuss any of the other</p> <p>3 elements of claim 11 besides 11d in paragraphs</p> <p>4 120 to 128; correct?</p> <p>5 A. I'm going by the headings. (a) is what is</p> <p>6 marked as 11a3, and then it goes into claim 12.</p> <p>7 That appears to be correct.</p> <p>8 Q. Let's go back to Figure 2, please.</p> <p>9 A. Of the '362 patent?</p> <p>10 Q. Yes. Of the '362 patent. 14:23:17</p> <p>11 A. Okay. I'm there.</p> <p>12 Q. Do you see, at the right side of Figure 2,</p> <p>13 it says "serial or parallel data interface to</p> <p>14 demodulator"?</p> <p>15 A. So it says "serial or parallel data</p> <p>16 interface to demodulator." Yes. I see that.</p> <p>17 Q. Okay. And there were commonly known</p> <p>18 methods for serial or parallel data interfaces at</p> <p>19 the time of the '362 patent; right?</p> <p>20 A. I was asked to analyze the '362 patent in 14:24:24</p> <p>21 the context of the claim terms. If we want to talk</p> <p>22 about hypotheticals, was there a parallel and</p> <p>23 serial interfaces, yes, there was.</p> <p>24 Claim 12 is not a hypothetical. It is</p> <p>25 just not serial. So the serial interface -- I just</p>

23 (Pages 86 - 89)

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1 subscriber would be again the same. So there  
 2 wouldn't be any undesired channels, and it's being  
 3 selected from undesired.  
 4 BY MR. MEGGS:  
 5 Q. And then what happens when n is greater  
 6 than m?  
 7 MR. COHN: Same objections.  
 8 THE WITNESS: So n could be any number, and so  
 9 then it would be some sort of a selection of n is  
 10 greater than m. 16:42:26  
 11 MR. MEGGS: No further questions.  
 12 MR. COHN: Okay. I don't have any questions.  
 13 I object to that entire redirect as outside of  
 14 scope of his report and outside of scope of my  
 15 questioning, but I don't have any questions.  
 16 MR. MEGGS: Your objection is noted, sir, but  
 17 I obviously disagree.  
 18 THE VIDEOGRAPHER: Are we ready to go off the  
 19 record?  
 20 MR. COHN: We sure are. 16:42:50  
 21 THE VIDEOGRAPHER: We are going off the record.  
 22 The time is 4:42 p.m. This concludes today's  
 23 testimony by Rich Kramer. The total number of  
 24 media unit used was six and will be retained by  
 25 Veritext Legal Solutions. Thank you.

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1 C E R T I F I C A T E  
 2  
 3 I, DEANNA AMORE, a Shorthand Reporter and  
 4 notary public, within and for the State of  
 5 Illinois, County of DuPage, do hereby certify:  
 6 That RICHARD A. KRAMER, the witness whose  
 7 examination is hereinbefore set forth, was first  
 8 duly sworn by me and that this transcript of said  
 9 testimony is a true record of the testimony given  
 10 by said witness.  
 11 I further certify that I am not related to  
 12 any of the parties to this action by blood or  
 13 marriage, and that I am in no way interested in the  
 14 outcome of this matter.  
 15  
 16 IN WITNESS WHEREOF, I have hereunto set my  
 17 hand this 28th day of August 2023.  
 18  
 19  
 20   
 21 Deanna M. Amore, CRR, RPR, CSR  
 22  
 23  
 24  
 25

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1 CONNOR MEGGS  
 2 connor.meggs@klgates.com  
 3 August 28, 2023  
 4 Entropic Communications v Charter Communications, Inc., Et Al  
 5 8/24/2023, Richard Kramer (#6067726)  
 6 The above-referenced transcript is available for  
 7 review.  
 8 Within the applicable timeframe, the witness should  
 9 read the testimony to verify its accuracy. If there are  
 10 any changes, the witness should note those with the  
 11 reason, on the attached Errata Sheet.  
 12 The witness should sign the Acknowledgment of  
 13 Deponent and Errata and return to the deposing attorney.  
 14 Copies should be sent to all counsel, and to Veritext at  
 15 cs-ny@veritext.com.  
 16  
 17 Return completed errata within 30 days from  
 18 receipt of testimony.  
 19 If the witness fails to do so within the time  
 20 allotted, the transcript may be used as if signed.  
 21  
 22 Yours,  
 23 Veritext Legal Solutions  
 24  
 25

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1 Entropic Communications v Charter Communications, Inc., Et Al  
 2 Richard Kramer (#6067726)  
 3 E R R A T A S H E E T  
 4 PAGE\_\_\_\_ LINE\_\_\_\_ CHANGE\_\_\_\_\_  
 5 \_\_\_\_\_  
 6 REASON\_\_\_\_\_  
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 24 Richard Kramer Date  
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